

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
February 11, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Moore:

S. B. No. 298, A bill to be entitled "An Act amending Article 2956, by adding thereto another section, Article 2956a, providing that persons who are feeble, ill and confined in bed or confined to their places of abode by reason of illness, may vote as absentees may vote under Article 2956; providing that persons who are ill, aged or decrepit, and who are unable to walk to the polls, may be driven in any vehicle, wheel chair or other conveyance to such voting place, and any election officer shall authorize such person to vote, and the means and manner thereof; providing exceptions, and for the general enforcement of the provisions

hereof; and declaring an emergency."

Read and referred to the Committee on Privileges and Elections.

By Senator Moore:

S. B. No. 299, A bill to be entitled "An Act providing for the classification of State designated highways by the State Highway Commission, the means and manner thereof, providing for the completion of said highways, and declaring an emergency."

Read and referred to the Committee on Highways and Motor Traffic.

By Senator Moore:

S. B. No. 300, A bill to be entitled "An Act amending Article 4969 of the Revised Civil Statutes of 1925 by adding thereto Article 4969a, providing that surety companies to act as surety and in the other capacities authorized by Article 4969 may execute and deliver a bond in lieu of securities; providing the means and manner thereof and for the form thereof, and declaring an emergency."

Read and referred to the Committee on Insurance.

By Senator Berkeley:

S. B. No. 301, A bill to be entitled "An Act amending Article 3293 by adding thereto Article 3293a, providing for the appointment of an administrator for a person, where it is necessary that such be appointed, to receive funds or money due such person from the Federal Government; fixing venue and the grounds therefor; providing for the giving of notice; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Williamson:

S. B. No. 302, A bill to be entitled "An Act to fix the maximum amount of bonds which may be issued by, and to fix the maximum rate of tax to be levied for school purposes in all independent school districts having a population of more than 200,000 and less than 250,000, according to the Federal census of 1930 or any subsequent legally authorized census, whether under general or special law, repealing all laws in conflict herewith, both general and special, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senator Cunningham:

S. B. No. 303, A bill to be entitled "An Act to amend Article 838, of the Revised Civil Statutes of Texas, 1925, requiring the county treasurer of each county to make annual report to the State Comptroller of the interest and sinking fund for each set of county, common school district, and road district bonds; county warrants, scrip warrants and amounts due banks; requiring the treasurer of each independent school district to make annual report of the interest and sinking fund for each set of bonds of such district; requiring the city treasurer of each city to make report showing the condition of the interest and sinking fund for each set of bonds, warrants, scrip warrants, and amounts due banks; all of said reports shall show the amounts of such indebtedness outstanding on the 30th day of June of each year; and declaring an emergency."

Read and referred to the Committee on Counties and County Boundaries.

By Senator Martin:

S. B. No. 304, A bill to be entitled "An Act amending Article 2240 by adding thereto another section to be known as Article 2240a; providing for statements of facts in question and answer form, together with objections, rulings and exceptions preserved therein; providing the manner and time of filing the same, and for the use thereof; providing the purpose to be served thereby, and procedure on appeals where the same may be filed; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Martin:

S. B. No. 305, A bill to be entitled "An Act amending Section 3, Article 8306, Title 130, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Read and referred to the Committee on Insurance.

By Senator Martin:

S. B. No. 306, A bill to be entitled "An Act amending Article 1881 of the Revised Civil Statutes of Texas, 1925."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Parrish:

S. B. No. 307, A bill to be entitled "An Act to amend Chapter 101, Local and Special Laws passed by the Thirty-ninth Legislature at its Regular Session, in 1925, same being a special road law for Cottle County, by adding thereto Section 2a, authorizing the commissioners' court of Cottle County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within 60 days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read and referred to the Committee on Counties and County Boundaries.

By Senator Parrish:

S. B. No. 308, A bill to be entitled "An Act requiring the county boards of various counties to notify the State Superintendent and the State Board of Education of the amount of the state available school funds to be set aside annually to the credit of the county administration fund; authorizing the State Superintendent, on the order of the State Board of Education, to remit to the various county depositories the amount of state available school funds necessary for the support of the office of the county superintendent; repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senator Hardin:

S. B. No. 309, A bill to be entitled "An Act ratifying and validating the creation and all proceedings creating Oak Dale Common School District No. 60, of Erath County, Texas, with described boundaries; validating all acts of State and county school officials and trustees of said common school district in the expenditure and disbursement of school funds apportioned to said district, as well as all moneys derived from special school tax in said district, and within the boundaries thereof as fixed; validating and ratifying the creation and

consolidation proceedings creating Oak Dale Consolidated Common School District No. 60, by consolidating Oak Dale Common School District No. 60, North Bosque Common School District No. 57, and Falls Common School District No. 112, all of Erath County, Texas; ratifying and validating all orders, petitions, notices, elections, orders declaring results of elections and describing the boundaries of such consolidated common school district; validating elections, election returns and proceedings held on the 26th day of July, 1930, in such consolidated district; authorizing the issuance of \$2,000,000 schoolhouse bonds, providing for their payment by the annual levy, assessment and collection of taxes, including the petition, orders, notices, elections, election returns, and authorizing the board of trustees to complete the issuance and sale of such bonds; creating said district; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senator Oneal:

S. B. No. 310, A bill to be entitled "An Act validating and making certain Sections 1 and 2 of Chapter 8, General Laws of the Second Called Session of the Thirty-sixth Legislature, being Articles 5367 and 5368 of Chapter 4, Title 86, Revised Civil Statutes of Texas, of 1925, relating to public school and asylum lands; providing that the original sales affecting lands with mineral reservation may be enlarged to include 15/16 of the minerals in the owners of the soil, reserving to the State 1/16 interest in said minerals as royalty; authorizing such owners to enlarge their original purchase of school and asylum lands to include 15/16 of oil and gas, or other minerals; authorizing the owner to develop and produce minerals, or lease, sell or contract said lands for the development and production of minerals; validating and confirming oil and gas leases heretofore made and sales or reservations of royalty and mineral interest; providing for the forfeiture of such leases under certain conditions, and providing that such forfeiture shall be in lieu of any claim for consideration or rental; providing that if any part of this Act shall be held unconstitutional, it shall not affect the remaining pro-

visions; providing that Articles 5369, 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377, 5378 and 5379 shall not apply where the owner of the soil has acquired the legal title to 15/16 of the minerals; and declaring an emergency."

Read and referred to the Committee on Public Lands and Land Office.

By Senators Oneal, Rawlings, Woodruff, Parrish, Purl, Woodward, Small, and Moore:

S. B. No. 311, A bill to be entitled "An Act to amend Article 7324 of the Revised Civil Statutes of 1925, providing for collectors of taxes to mail notices of tax delinquencies to record owners of lands and lots situated in the county, showing amount of taxes delinquent on said property, etc., and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senators Oneal, Rawlings:

S. B. No. 312, A bill to be entitled "An Act to amend Article 6697 of the Revised Civil Statutes (Revision of 1925) providing when registration fees required upon motor vehicles shall become delinquent, and providing a penalty for such delinquency."

Read and referred to the Committee on State Affairs.

By Senator Moore:

S. B. No. 313, A bill to be entitled "An Act to extend for a period of three years from March 21, 1931, Oil and Gas Permit No. 14233, covering 1258 acres of the Pecos River bed in Reeves, Loving and Ward Counties, prescribing conditions of such extension, and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Patton:

S. B. No. 314, A bill to be entitled "An Act providing for the improvement and repair of Sam Houston home and the grounds adjacent thereto in Huntsville, and for the maintenance of same; providing means and manner thereof; making appropriation therefor, and declaring an emergency."

Read and referred to the Committee on Finance.

By Senator Patton:

S. B. No. 315, A bill to be entitled

"An Act to amend Articles 799 and 802 of the Code of Criminal Procedure of the State of Texas, relating to the warrant of execution where the death penalty is pronounced, and to the manner of the execution of the condemned prisoner; providing for the duties of the clerk of the court, the sheriff of the county and the warden of the penitentiary; providing for the duties of such officers to be performed by a deputy, in certain cases; and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

By Senator Patton:

S. B. No. 316, A bill to be entitled "An Act regulating county convicts; providing for their being worked upon public roads, public county farms, for the commission of misdemeanors in said county, and of petty offenses; and for the hiring out of same and for the using of the proceeds to pay fines and costs of said prisoner; providing the amount of compensation to be allowed; providing for the execution of bonds by persons hiring convicts, and the means, manner, and conditions thereof; and providing for the liability of such persons in the event of escape; providing for the enforcing of such bonds; providing for the keeping of records; providing generally for the enforcement of the provisions hereof; and prescribing the duties of commissioners' court, county judges and the hirers of said convicts; and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

By Senator Woodul:

S. B. No. 317, A bill to be entitled "An Act to further regulate the business of insurance in order that rates of premium may be reasonable, and to provide the maximum rates of commission or other compensation, or other thing of value, which may be paid directly or indirectly, to its local agents by insurance carriers in this State as applied to motor vehicle insurance of various classes, insurance against losses from tornado, and other elements, and insurance of other classes of risks which may be legally undertaken by fire insurance companies; prescribing

that no such carrier for automobile lines or tornado lines of such business may pay to its said agents exceeding 25% or one-fourth of the premium, nor pay to such agents for fire insurance business exceeding 20% or one-fifth of the normal premium; nor pay to such agents for other lines which may be lawfully undertaken by fire insurance companies exceeding 20% or one-fifth of the premium; defining normal premium; defining local agents; providing that no such agent may accept or receive any commission or other compensation or other thing of value on such business in excess of the maximum rates herein fixed; providing penalties for violation hereof; providing for a hearing before the Board of Insurance Commissioners and for appeals therefrom; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Insurance.

By Senator Williamson:

S. B. No. 318, A bill to be entitled "An Act regulating arrests made for violating motor vehicle speed laws of this State; providing the method and manner in which the same may be made; requiring badges, caps and coats of a certain design to be worn by officers, distinguishing them as such; providing that the commissioners' court shall furnish same to sheriffs and constables; abolishing fees for making any arrest, serving of warrants, witness and commitment fees for such offenses; prohibiting judges splitting or dividing fees collected for such offenses; and for dismissal of complaints; prohibiting officers remaining in hiding or lying in wait to make arrests for such offenses, and from making arrests or stopping persons in such events, except when mounted on motorcycles; requiring prosecutions to be dismissed when any provision hereof has been violated; providing for the removal from office of officers violating the provisions hereof, and the means and manner thereof; providing for any officers forfeiting a penalty of fifty (\$50.00) dollars for any violation hereof, to the person wrongfully arrested or accosted, and the means and manner of the collection thereof; providing that if any

part of this Act shall be held unconstitutional, it will not affect the remainder; prescribing offenses, fines and penalties; prescribing venue and for the change thereof; and generally for enforcement hereof; and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

By Senator Williamson (by request):

S. B. No. 319, A bill to be entitled "An Act to repeal Title 2 of the Revised Civil Statutes of Texas of 1925; and to repeal Articles 1132 and 1133 of Chapter 12 of Title 14 of the Penal Code of Texas of 1925; and to enact substitutes therefor regulating the practice of accountancy and prescribing penalties for the violation of this Act; to establish a State Board of Accountancy and to prescribe its duties; to provide for the examination of applicants for certificates to practice as certified public accountants and the registration of public accountants; to authorize said board to make rules and regulations concerning the practice of accountancy, and fixing penalties for the violation thereof; to prohibit the practice of accountancy by non-certified non-registered persons; to fix the conditions under which non-certified and non-registered persons may be employed by practicing accountants; to promote efficiency in the practice of accountancy as a profession and to extend to public offices as well as private concerns the protection afforded by a standardized profession and for other purposes; and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Russek:

S. B. No. 320, A bill to be entitled "An Act to amend Section 19, Chapter 61, Acts of the Second Called Session of the Forty-first Legislature of the State of Texas so as to leave the number of copies of the Banking Commissioner's report to the Governor to be printed to the discretion of the Banking Commissioner, and require the report to contain the opinions of the Attorney General for the year covered by the report regarding any section of the Building and Loan Act."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 321, A bill to be entitled "An Act to amend Section 18, Chapter 61, Acts of the Second Called Session of the Forty-first Legislature of the State of Texas so as to require communications from the Banking Commissioner and his representatives to be filed and made permanent records of the association."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 322, A bill to be entitled "An Act to amend Section 11, Chapter 61, Acts of the Second Called Session of the Legislature of the State of Texas, so as to provide for the payment of the expense of additional examination and prolonged audit and examination and reappraisal of real estate by the association."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 323, A bill to be entitled "An Act to amend Section 10, Chapter 61, Acts of the Second Called Session of the Forty-first Legislature of the State of Texas so as to authorize the Banking Commissioner, or his duly appointed representatives, to administer the oath therein provided for to the officers, employees or agents of such association."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 324, A bill to be entitled "An Act to amend Section 42, Chapter 61, Acts of the Second Called Session of the Forty-first Legislature of the State of Texas relating to dividends and reserve so as to provide that if the reserve funds shall not equal 10 per cent of the outstanding loans at the time of each apportionment of profits, the directors shall, before apportioning the profits, set aside not less than two and one-half per cent of the net profits accruing since the last apportionment and continue to do so until said fund shall amount to at least 10 per cent of the loans in force, and

providing that unimpaired reserve fund or permanent stock shall be construed as a part of the 10 per cent reserve fund required to be maintained."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 325, A bill to be entitled "An Act providing for the annual meeting of stockholders of building and loan associations, providing for publication of notice of such meeting, providing for the election of a board of directors, prescribing minimum number of directors and their term of office."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 326, A bill to be entitled "An Act providing that the State of Texas, when it deposits its funds in a state depository and same are secured as provided by law, shall have no prior right of payment out of the assets of such repository."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 327, A bill to be entitled "An Act to amend Article 454, Chapter 7, Title 16, Revised Civil Statutes of Texas, 1925, providing that the Banking Commissioner of Texas may, upon order of the district court of the county in which the bank being liquidated is situated, if in session, or the judge thereof, if in vacation, sell or compound bad and doubtful debts and sell real or personal property, by adding thereto a provision authorizing him under like order of said district court, or the judge thereof, to sell or compound and compromise bad and doubtful stockholders' assessments, and to sell stockholders' assessments, and declaring an emergency."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 328, A bill to be entitled "An Act to amend Article 462, Chapter 7, Title 16, Revised Civil Statutes of the State of Texas, 1925, relating to expense of liquidation and the approval of expense account of the commissioner; providing for con-

test of commissioner's expense account and fixing burden of proof."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 329, A bill to be entitled "An Act to amend Article 465, Chapter 7, Title 16, Revised Civil Statutes of Texas, 1925, relating to dividends and unclaimed deposits remaining in the hands of the commissioner for six months after order for final distribution, requiring same to be deposited in some State bank to the credit of the commissioner in trust for the bona fide depositors and creditors of the liquidation, so as to provide that such funds remaining in the hands of the commissioner after order for final distribution shall be by him deposited in the State Treasury to the credit of the commissioner in his official name in trust for the bona fide depositors and creditors of the liquidation, and providing for escheat of same, if not claimed within seven years after such deposit."

Read and referred to the Committee on Banks and Banking.

By Senator Russek:

S. B. No. 330, A bill to be entitled "An Act providing that the Banking Commissioner in charge of any State bank or bank and trust company for the purpose of liquidation may apply to the district court in the county in which the bank is situated, if in session, or the judge thereof, if in vacation, for authority to use the trust funds in his hands belonging to the bank or bank and trust company to redeem any bills receivable pledged, to purchase any prior encumbrance or lien on property upon which said bank or bank and trust company may hold a junior lien, or to purchase such property at any sale thereof made to satisfy such prior lien, such application to be accompanied by statement of the value of the bills receivable pledged, the amount of the debt for which pledged, the value of the property covered by the prior lien and amount of such prior lien. And providing that said court, if in session, or the judge thereof, if in vacation, may, if deemed to the interest of the creditors, grant such application by an order entered upon the minutes of the court specifying therein the amount

of the trust funds to be used for such purpose, and declaring an emergency."

Read and referred to the Committee on Banks and Banking.

By Senator Pollard:

S. B. No. 331, A bill to be entitled "An Act to provide that the basis of all pipe line rates to be charged by common carriers by pipe lines within this State shall be on the return on investment or value plus ten (10) per cent interest; imposing the duty upon the Railroad Commission to evaluate all pipe lines now in existence and hereafter constructed within this State; granting to the Railroad Commission the authority to require sworn reports and to examine witnesses in determining the proper evaluation of all pipe line investments; imposing upon the Railroad Commission of Texas the duty, after such evaluations, to establish, maintain, and alter proper rates for all common carriers by pipe line; permitting the lowering of rates on application of pipe line carrier to meet competitive rates for the same or similar service; and providing for notices, hearings, and reviews, and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Holbrook:

S. B. No. 332, A bill to be entitled "An Act providing for the formation of consolidated county-wide independent school districts in certain counties upon majority vote of the qualified voters of such counties; providing for the assumption by such county-wide districts of the outstanding bonded indebtedness of previously existing common and independent school districts; providing for substitution of school units in lieu of former districts; providing for trustees of such county-wide districts, and authorizing the levy of taxes; providing for election on question of assumption of bonds and levy of taxes; prescribing powers and duties of trustees and school officers; enacting other incidental provisions; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senator Poage:

S. B. No. 333, A bill to be entitled "An Act providing a more efficient

road law for Falls County, Texas, authorizing the commissioners' court of Falls County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes prior to February 1, 1931, and to levy a tax in payment thereof supplementing other special road laws applicable to said county in harmony with the provisions hereof, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 334, A bill to be entitled "An Act to amend Article 7642 of the Revised Civil Statutes of 1925, which article relates to the qualifications of tax assessor and collector for water improvement districts, and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Parr:

S. B. No. 335, A bill to be entitled "An Act to amend Chapter 288, General Laws of the Regular Session of the Forty-first Legislature of 1929, being An Act declaring unlawful the sale or offering for sale, transportation, preparation, receiving or delivery for transportation or marketing of citrus fruit that is immature, unripe, over-ripe, frost damaged or otherwise unfit for consumption and the sale thereof declared to be a fraud upon the public, etc., and declaring an emergency."

Read and referred to the Committee on Agricultural Affairs.

By Senator Rawlings:

S. B. No. 336, A bill to be entitled "An Act to amend Article 8306, Section 5, Revised Statutes of 1925, by adding thereto the following: 'In such suit for exemplary damages, the defendant shall have all the defenses available at common law'; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 337, A bill to be entitled "An Act to define marginal wells; declaring it to constitute waste artificially to restrict the normal produc-

tion therefrom; directing the Railroad Commission to promulgate rules and regulations to prevent such artificial restriction except in certain cases; providing for notices, hearings and reviews of such rules and orders; prohibiting the artificial restriction of such wells and providing for penalties; declaring each provision independent of each other provision, and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Woodward:

S. B. No. 338, A bill to be entitled "An Act to provide for the formation of private corporations to engage in any one of the following businesses: To store and transport, buy and sell, minerals other than gas; to produce oil, gas and sulphur; to do a drilling business as a contractor; to deal in mineral royalties; to refine crude petroleum and casinghead gas; to sell petroleum products at retail; to sell petroleum products at wholesale; to retail and distribute gas for heat, power and light; to store, transport, buy and sell at wholesale natural gas, thereby becoming common purchaser of such gas tendered with the obligation to purchase without discrimination; prohibiting the common ownership or control of corporations be formed except in certain instances; permitting the organization of corporations with the power to store, transport, buy, sell at wholesale only, refine and produce oil and gas provided such corporation engaged in all such lines of business and performs all obligations imposed by law incident to all such powers; providing for permits of foreign corporations who comply with this Act and denying permits to those who do not; providing for 12 months within which all present existing corporations may comply with this Act and the method of such compliance; granting all corporations formed hereunder all powers existing under present laws consistent herewith; repealing all laws in conflict herewith; providing for penalties and forfeiture of charters; declaring each provision hereof independent of the other; and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Holbrook:

S. B. No. 339, A bill to be entitled

"An Act to amend Section 1 of Chapter 47, Acts of the Fifth Called Session of the Forty-first Legislature; and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Holbrook:

S. B. No. 340, A bill to be entitled "An Act to provide for certificates to be issued for the Collector of Taxes of the State or of any political subdivision in the State showing payment of taxes, and that same shall be conclusive evidence of such payment in the absence of fraud or collusion."

Read and referred to the Committee on State Affairs.

By Senator Parr:

S. B. No. 341, A bill to be entitled "An Act making it an offense for any person to enter any farm, garden, orchard, fruit or pecan grove in this State, with the intent to steal or carry away without the consent of the owner, or to aid or assist in stealing or so carrying away, any farm product, garden product, fruit or nuts, growing or gathered; etc., and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

By Senator Parr:

S. B. No. 342, A bill to be entitled "An Act defining the north white wing zone and the south white wing zone and amending Article 879 of Chapter 74 of the General and Special Laws of the Regular Session of the Forty-first Legislature, and Article 879B of Chapter 215 of the General and Special Laws of the Regular Session of the Fortieth Legislature, etc., and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Parrish:

S. B. No. 343, A bill to be entitled "An Act to authorize and require the Commissioner of the General Land Office and the Board for Lease of University Lands, acting jointly, to employ a geologist for the purpose of investigating the mineral bearing possibilities, and potential value of the lands belonging to the public free school fund and by the University of Texas; to authorize the employ-

ment of such assistants as may be required to carry out the purpose of this Act, and to authorize other reports to be required; and declaring an emergency."

Read and referred to the Committee on Public Lands and Land Office.

By Senators Hornsby, Greer, Patton, Small, Hopkins, Russek and Parr:

S. B. No. 344, A bill to be entitled "An Act to authorize and give permission to Anna C. Tobin, a feme sole, in her own right, and as one of the devisees in and Independent Executrix of the last will and testament of Mary Cavanaugh, deceased, James Cavanaugh, surviving husband of the said Mary Cavanaugh, deceased, and the owner of one half of their community property, and James Cavanaugh, Jr., one of the devisees of the said Mary Cavanaugh, deceased, in the District Court of Travis County, Texas, at any time during the year 1931; authorizing said persons to prove and recover judgment against the State of Texas as damages and for moneys actually expended relative to twenty-six (26) acres of land in Austin, Texas, taken for University of Texas Campus, aggregating the sum of \$53,395.06, with legal interest thereon from date of said judgment; and providing service shall be had on the State of Texas by serving process on the Attorney General and requiring said Attorney General to defend said suit; and providing that no judgment shall be awarded for any part of said sum of money that shall have been paid by the State of Texas prior to the date of the judgment; and providing that both parties shall have the right of appeal according to law; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 345, A bill to be entitled "An Act amending Article 2560 of the Revised Civil Statutes of 1925, and declaring an emergency."

Rear and referred to the Committee on Civil Jurisprudence.

By Senator Oneal:

S. B. No. 346, A bill to be entitled "An Act to fix the time when the sentence of a convict, sentenced to

the penitentiary, who has appealed his case to the Court of Criminal Appeals of the State of Texas, and said case has been affirmed, shall begin; prescribing the procedure in such cases, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

By Senator Purl:

S. B. No. 347, A bill to be entitled "An Act to amend Article 1995, Section 19, by providing that suits against counties, cities, towns, villages, school districts, levee improvement districts, water control districts and other public corporations, the venue shall lie in the county and/or in which said city, town, village, school district, levee improvement district and water control district is located, and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

By Senator Purl:

S. B. No. 348, A bill to be entitled "An Act to amend Article 7272, of Chapter 8, Title 122, of the Revised Civil Statutes of 1925, relating to liability of property for taxes so as to provide that a person may pay on a part of the property assessed without being required to pay on all of the property assessed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senators Purl and Stevenson:

S. B. No. 349, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes of Texas, 1925, relating to sales under deeds of trust and contract liens and notice thereof so as to provide for the publication of such notices in certain newspapers unless the trustee shall be requested by the owner of the real estate to be sold to give notice and sell such property as provided in such deed of trust or contract lien, fixing the compensation to the newspapers in making such publication and providing for posting where there is no newspaper published in the county or none which will publish for the compen-

sation fixed, providing that sales under deeds of trust and contract liens already in existence may be made in the manner now provided by law, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Purl:

S. B. No. 350, A bill to be entitled "An Act to amend Article 3812 of the Revised Civil Statutes of Texas, 1925, relating to notices of sales of personal property under execution or chattel mortgage liens, so as to provide for the publication of such notices in certain newspapers, providing for the repeal of all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Cunningham:

S. J. R. No. 20, Proposing an amendment to the Constitution of Texas providing for the creation of Rural Electric Light and Power and Gas Districts, for the purpose of enabling residents of said districts to provide themselves with facilities for the distribution to all residents thereof of natural or artificial gas and electric light and power, or either; and enabling such districts to enter into contracts with any person, firm or corporation for supplying or distributing such utilities or for both such supply and distribution; and providing for an election upon such proposed constitutional amendment; and making an appropriation therefor.

Read and referred to the Committee on Constitutional Amendments.

S. C. R. No. 16.

Senator Stevenson sent up the following resolution:

Whereas, The Daughters of the American Revolution at the State Congress in Waco last November accepted a suggestion from the Regents of the University of Texas to erect a monument on the university campus to George Washington, to commemorate the two hundredth anniversary of his birth, and,

Whereas, There is now no statue of or monument to the Father of Our Country in the broad domain of Texas, and,

Whereas, The plan to finance this project is along patriotic educational lines, in that it enlists the interest of the school children of Texas,

Therefore, Be It Resolved, the House of Representatives concurring,

That the Texas Legislature do endorse, encourage and commend the Daughters of the American Revolution in this patriotic work and that this resolution be printed in the Journal and that copies be sent to the leading newspapers of the State.

STEVENSON,	HARDIN,
LOY,	RUSSEK,
BERKELEY,	SMALL,
MOORE,	PATTON.

Read and adopted.

H. C. R. No. 3.

The Chair laid before the Senate:

H. C. R. No. 3. Relating to information from the State Highway Department concerning county road warrants and bonds.

The resolution was read.

The committee report was adopted.

The resolution was adopted.

House Bill No. 41.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Walker:

H. B. No. 41, A bill to be entitled "An Act making it an offense for a person to cohabit with a husband or wife which he has married without the State when such person has living at such time another husband or wife, providing for a penalty and things incidental thereto, and declaring an emergency."

The committee report, carrying amendments, was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 41 was put on its third reading and final passage, by the following vote.

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Patton.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Senator Woodward moved to reconsider the vote by which the bill was finally passed. The motion prevailed.

On motion of Senator Woodward, the bill was laid on the table subject to call.

House Bill No. 111.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Burns of Walker:

H. B. No. 111, A bill to be entitled "An Act amending Chapter 21 of the Acts of the Second Called Session of the Forty-first Legislature, providing for open season on squirrels in certain counties; providing penalty, and declaring an emergency."

Read second time.

On motion of Senator Neal, the bill was laid on the table subject to call.

H. C. R. No. 11.

The Chair laid before the Senate: H. C. R. No. 11, Granting Hon. Joseph Jones permission to leave the State when the courts of his district were in vacation during 1931 and 1932.

Read and adopted.

Senate Bill No. 32.

Senator Williamson moved to suspend the rule relating to the passage of general bills during the first 60 days of the session and take up S. B. No. 32. The motion prevailed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Poage.
Cunningham.	Patton.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The Chair laid before the Senate on its second reading the following bill:

By Senator Williamson:

S. B. No. 32, A bill to be entitled "An Act to amend Article 1430, Title 17, Chapter 8, of the Penal Code of the State of Texas, adopted at a Regular Session of the Thirty-ninth Legislature, 1925, being an Act defining the receiving or concealing of stolen property, or property, which has been acquired in such a manner that the acquisition comes within the meaning of the term theft by one knowing the same to have been so acquired, and prescribing the punishment for the violation thereof and providing that no person shall be excused from testifying against persons who have violated the provisions of said article for the reason that such testimony would incriminate such witness, and providing that no person required to so testify shall be punishable for

acts disclosed by such testimony, and providing that no such person so testifying shall be held in law or in fact to be an accomplice when a witness in any such trial."

Read second time.

Executive Session.

At 11 o'clock, the Chair announced that the hour for the executive session had arrived.

Senator Pollard moved to reset the session for 2:30 o'clock p. m. today. The motion was lost.

The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, Feb. 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following nominations of the Governor, beg leave to report that we have considered the appointees recommended by the Governor, and recommend that the appointment of the following named persons for the following named positions be in all things confirmed:

Live Stock Sanitary Commission.

J. A. Whitten of Eldorado, Schleicher County, Texas, reappointed for the next ensuing statutory term.

J. B. Anderson of Marshall, Harrison County, Texas, reappointed for the next ensuing statutory term.

John F. Walker, Weimar, Colorado County, Texas, appointed for the next ensuing statutory term.

Fannin State Park Board.

Wallace E. Fowler of Goliad, Goliad County, Texas, reappointed for the next ensuing statutory term.

Ross Hanley of Fannin, Goliad County, Texas, reappointed for the next ensuing statutory term.

Mrs. Genevieve Stevenson of Victoria, Victoria County, Texas, reappointed for the next ensuing statutory term.

Gonzales State Park Board.

Mrs. Kent E. Gardien of Gonzales, Gonzales County, Texas, reappointed for the next ensuing statutory term.

Mrs. B. N. Peck, Jr., of Gonzales, Gonzales County, Texas, reappointed for the next ensuing statutory term.

Mrs. W. T. Dunning of Gonzales, Gonzales County, Texas, reappointed for the next ensuing statutory term.

San Jacinto State Park Commission.

C. R. Wharton of Houston, Harris County, Texas, reappointed for the next ensuing statutory term.

Chester H. Bryan of Houston, Harris County, Texas, reappointed for the next ensuing statutory term.

Mrs. Earl Amerman of Houston, Harris County, Texas, reappointed for the next ensuing statutory term.

Washington State Park Commission.

Mrs. Arthur Hartman of Brenham, Washington County, Texas, reappointed for the next ensuing statutory term.

Mrs. S. W. Dean of Navasota, Grimes County, Texas, reappointed for the next ensuing statutory term.

Mrs. Wallace Brosig of Navasota, Grimes County, reappointed for the next ensuing statutory term.

T. A. Low of Brenham, Washington County, Texas, reappointed for the next ensuing statutory term.

J. J. Marek of Brenham, Washington County, Texas, reappointed for the next ensuing statutory term.

Texas Historical Board.

Tom L. McCulloch of Dallas, Dallas County, Texas, reappointed for the next ensuing statutory term.

Gus A. Amundsen of Galveston, Galveston County, Texas, reappointed for next ensuing two-year statutory term.

State Parks Board.

Mrs. Jas. F. Welder of Victoria, Victoria County, Texas, reappointed for next ensuing statutory term.

State Reclamation Engineer.

B. F. Williams of Kaufman County, reappointed for next ensuing statutory term.

Texas Prison Board.

W. A. Paddock of Houston, Harris County, Texas, reappointed for the next ensuing statutory term, to succeed himself.

J. B. H. Holderby of Fort Worth, Tarrant County, Texas, reappointed for the next ensuing statutory term, to succeed himself.

Dr. Sidney M. Lister of Houston, Harris County, Texas, appointed for next ensuing statutory term to the place heretofore held by Dr. Holman Taylor.

State Auditor and Efficiency Expert.

Moore Lynn of Dallas County, reappointed to next ensuing statutory term.

Board of Education.

Mrs. J. E. Watkins, Henderson, Rusk County.

J. O. Guleke, Amarillo, Potter County.

POLLARD, Chairman.

Confirmed.

Executive Session Set.

On motion of Senator Pollard, the Senate voted to go into executive session tomorrow morning at 10:30 o'clock.

Permission to Consider and Report.

On motion of Senator Parrish, the Committee on Public Lands and Land Office was granted permission to consider and report on S. B. No. 239.

Senate Bill No. 254.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 254, A bill to be entitled "An Act ratifying and validating the creation and consolidation proceedings creating San Diego Independent School District of Duval and Jim Wells Counties, Texas, by consolidating San Diego Independent School District of Duval and Jim Wells Counties, Texas, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 254 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Patton.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Recess.

On motion of Senator Moore, the Senate, at 12:20 o'clock p. m., recessed until 3:30 o'clock p. m.

After Recess.

The Senate met at 3:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar Witt.

Resolutions Signed.

The Chair, Lieut. Gov. Edgar Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 3. H. C. R. No. 13.
H. C. R. No. 14. S. C. R. No. 3.
S. C. R. No. 5. S. C. R. No. 6.
S. C. R. No. 7. S. C. R. No. 10.
S. C. R. No. 4.

Simple Resolution No. 41.

Senator Hornsby sent up the following resolution:

Whereas: General Beaumont B. Buck, a distinguished son of Texas and an outstanding military hero of the World War, is now visiting in his Capital City and is within the Senate Chamber,

Therefore Be It Resolved: That General Beaumont B. Buck be accorded the privileges of the floor and extended a cordial invitation to address the Senate now or at some other time as will better suit his pleasure and convenience.

HORNSBY,
MARTIN,
BECK.

Read and adopted.

General Buck Speaks.

The Chair appointed Senators Hornsby, Beck and Martin to escort General Buck to the platform.

The Chair introduced Senator Hornsby, who introduced General Buck.

General Buck briefly addressed the Senate.

House Bill No. 41.

Senator Woodward called up from the table H. B. No. 41.

On motion of Senator Woodward, the vote by which the bill was engrossed was reconsidered.

On motion of Senator Woodward, the vote by which Committee Amendment No. 1 was adopted was reconsidered.

On motion of Senator Woodward, the vote by which Committee Amendment No. 2 was adopted was reconsidered.

On motion of Senator Woodward, Committee Amendment No. 1 was rejected.

On motion of Senator Woodward, Committee Amendment No. 2 was rejected.

Senator Woodward sent up the following amendment:

Amend H. B. No. 41 as follows:

By striking out of Section 1 the

words "in any case where such marriage would be punishable if contracted or solemnized within this State" and by adding after the word "afterward" in line 5 of said Section 1, the following words "live with or"

WOODWARD.

Read and adopted.

The bill as amended, passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bill to be read on three several days was suspended and H. B. No. 41, was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Senate Bill No. 32.

The question recurred upon the engrossment of S. B. No. 32.

On motion of Senator Williamson, the bill was re-committed to the

Committee on Criminal Jurisprudence.

Adjournment.

On motion of Senator Greer, the Senate, at 4 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 48 carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 49 carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 239, A bill to be entitled "An Act renewing and extending oil and gas permit number 13594 issued by the Commissioner of the General Land Office of the State of Texas on the 23rd day of August, A. D. 1928, covering forty seven (47) acres of land, in the bed of the Neches River, located in Anderson and Cherokee Counties, Texas, for an additional period of two years from and after the present date of expiration of said permit, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

PARRISH, Chairman.

Committee Amendment No. 1.

Amend the caption to S. B. No. 239, beginning in line 8 thereof, after the word "Texas," by striking out the words "for an additional period of two years from and after the present date of expiration of said permit." and inserting in lieu thereof the following words: "so that the date of expiration of said permit shall be January 1st, 1932."

PARRISH, Chairman.

Committee Amendment No. 2.

Amend Section 1 of S. B. No. 239, beginning in line 9 thereof, after the word "effect," by striking out the words "for a term and period of two years from and after August 23rd, 1930" and inserting in lieu thereof the following words: "until January 1st, 1932."

PARRISH, Chairman.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
February 12, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneil.	

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.